

**BOARD OF LICENSING OF AUCTIONEERS
BOARD MEETING MINUTES
February 16, 2005**

MEMBERS PRESENT

Raymond Williams
Roger Chesley
James Keating
William Macomber

OTHERS PRESENT

Carol Leighton, Administrator
Dennis Smith, Assistant Attorney General
Deborah Fales, Licensing Clerk
Susan Greenlaw, Board Clerk

MEMBERS ABSENT

Edward Leary

Location: Central Conference Room **Start:** 9:05 a.m. **Adjourn:** 1:00 p.m.

CALL TO ORDER

The meeting was called to order at 9:05 a.m. by Board Chair Raymond Williams.

AGENDA MODIFICATIONS

OLD BUSINESS

Action on Minutes of December 8, 2004 Meeting

A motion was made by William Macomber to accept the minutes of the December 8, 2004 meeting as written; seconded by Roger Chesley. Chesley, Keating, and Macomber voted in the affirmative; none opposed; Williams abstained. Motion carried..

NEW BUSINESS

Hearing – John H. Morrison (#AUC-187)

The Chair opened the hearing in the matter of John H. Morrison. Mr. Morrison was present and not represented by counsel. Assistant Attorney General Dennis Smith represented the State in this matter. James Smith attended as Hearing Officer. James Keating, Complaint Officer was present but did not participate in deliberations. Public deliberations were conducted at the close of the hearing.

A motion was made by Roger Chesley to find the licensee in violation of 32 M.R.S.A. §291(1)(B); seconded by William Macomber. Unanimous.

A motion was made by Raymond Williams to find the licensee in violation of 32 M.R.S.A. §291(1)(E); seconded by Roger Chesley. Unanimous.

A motion was made by William Macomber to find the licensee in violation of Board Rules, Chapter 50, Section 2(A), Section 4(D), and Section 4(E); seconded by Roger Chesley. Unanimous.

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A motion was made by William Macomber to find the licensee in violation of Board Rules, Chapter 50, Section 4(C); seconded by Raymond Williams.

A motion was made by Raymond Williams to find the licensee in violation of 32 M.R.S.A. §291(1)(D); seconded by William Macomber. Unanimous.

A motion was made by William Macomber to flag the licensee's file for non-renewal; seconded by Roger Chesley. Unanimous.

A motion was made by Raymond Williams to order the suspension of Mr. Morrison's license for a period of 90 days for each violation; seconded by William Macomber. Unanimous.

A motion was made by William Macomber to order the licensee to pay costs associated with the hearing in an amount not to exceed \$700; seconded by Roger Chesley. Unanimous.

A motion was made by Raymond Williams to issue a reprimand; seconded by William Macomber. Unanimous.

A motion was made by Roger Chesley to order the licensee to pay an all encompassing fine in the amount of \$2000; seconded by William Macomber. Unanimous.

Election of Officers

A motion was made by William Macomber to elect Raymond Williams as Chair and James Keating as Complaint Officer; seconded by Roger Chesley. Unanimous.

Administrator's Report

Legislation update: L.D. 191 "An Act Requiring Internet Auction Registration" – this proposal is expected to be withdrawn.

Unlicensed practice: A motion was made by William Macomber requesting that the Assistant Attorney General draft a letter for the Chair's signature to be sent to the entities in question indicating that the practice of "drop shops" does apply to the Board's statute and request voluntary compliance by obtaining an auctioneer's license; seconded by Roger Chesley. Unanimous.

Darryl Hawes – disbursement of funds - It was decided to bring pending matters before the Board before disbursing the remainder of the funds.

Complaint Officer's Report

#AUC-192: A motion was made by William Macomber to table to the next meeting; seconded by Roger Chesley. Keating abstained. Motion carried.

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Review/Action on Decision & Order – John H. Morrison (hearing 12/8/04)

A motion was made by Roger Chesley to approve the Decision & Order as presented and authorized Roger Chesley to sign the Order; seconded by William Macomber. Chesley and Macomber voted in the affirmative; none opposed; Keating and Williams abstained. Motion carried.

Examination Results – January 19, 2005

Four individuals took the exam and received passing scores. The next examination is scheduled for March 16, 2005.

Review and Action on Applications

No application for review.

Correspondence

No correspondence for review.

Next Meeting Scheduled for April 6, 2005

OTHER BUSINESS

ADJOURN

There being no other business, the meeting adjourned at 1:00 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk